

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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**IN RE: AUTOMOTIVE PARTS ANTITRUST  
LITIGATION**

MASTER FILE NO. 12-md-02311

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**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

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HON. MARIANNE O. BATTANI

**AGENDA FOR THE NOVEMBER 13, 2013 STATUS CONFERENCE  
AND HEARING ON MOTIONS TO DISMISS IN INSTRUMENT  
PANEL CLUSTERS AND HEATER CONTROL PANELS CASES**

The Court intends to discuss the following list of agenda items at the status conference:

- I. MOTION OF THE UNITED STATES FOR A TEMPORARY AND LIMITED STAY  
OF CERTAIN DISCOVERY**
- II. PENDING CASES**

Note: The status of service of process of all pending cases is summarized in the table attached as Exhibit 1.

**1. WIRE HARNESS (2:12-cv-00100)**

**A. Pleadings**

1. Proposed Class Actions: Defendants in all proposed class actions have answered the complaints, except for G.S. Electech in the Direct Purchaser class action, where, by stipulation of the parties, G.S. Electech has until December 23, 2013 to respond to that complaint.
2. *Ford v. Fujikura* (13-13055): The Fujikura Defendants moved to dismiss on September 30, 2013. Ford's response is due November 29, 2013 and Fujikura's Reply is due January 13, 2014. Oral argument date: Feb. 12, 2014.

**B. Discovery**

1. Rule 26 Initial Disclosure Obligations of Certain Defendants
2. Defendants' Proposed Supplemental Discovery Plan
3. Status of Written Discovery
  - a. Plaintiffs' Discovery Requests: On October 8, Defendants served their written responses and objections to: (1) Direct Purchaser Plaintiffs' requests for production; (2) Direct Purchaser Plaintiffs' Interrogatories; and (3) End-Payor Plaintiffs' requests for production.

- b. Defendants' Discovery Requests: Direct Purchaser Plaintiffs, Dealer Plaintiffs and End-Payor Plaintiffs served their written responses to Sumitomo's requests for production and interrogatories on November 4, 2013.

4. Depositions

- a. Under the Initial Discovery Plan (Docket #201, Paragraph 7), "Depositions of fact witnesses may be scheduled at any time after the MTD Resolution Date." The scope of these depositions may be limited subject to the resolution of the Department of Justice's motion for a stay of certain discovery.
- b. Update on Stipulations Between Plaintiffs and Defendants Regarding Depositions of Non-U.S. Citizens Expected To Be Released from U.S. Prisons. See Exhibit 2, Table of Release Dates of Incarcerated Defendants in Related Criminal Cases.
- c. Update on Ford's Objection to Stipulation between Yazaki and Class Plaintiffs and Yazaki's Response (Ford's Opposition to Stipulation, August 23, 2013, Doc. 169; Yazaki's Response to Opposition, September 9, 2013, Doc. 171; and Ford's Reply, September 16, 2013, Doc. 173).

5. Ford's Participation in the Auto Parts MDL and Discovery

Stipulation and/or Ford Motion Regarding Ford's Status in the MDL and Representation of Ford.

**2. INSTRUMENT PANEL CLUSTERS (2:12-cv-00200)**

- A. Update on Stipulations Between Plaintiffs and Defendants Regarding Depositions of Non-U.S. Citizens Expected To Be Released From U. S. Prisons. See Exhibit 2, Table of Release Dates of Incarcerated Defendants in Related Criminal Cases.
- B. Oral Argument on Defendants' Motions to Dismiss Following the Status Conference
- C. Florida Complaint: Nippon Seiki Defendants moved to dismiss on October 21, 2013. Florida's response is due December 20, 2013 and Nippon Seiki's Reply is due February 3, 2014.

**3. FUEL SENDERS (2:12-cv-00300)**

- A. Defendants' Motions to Dismiss
  - 1. Plaintiffs filed responses to defendants' motions to dismiss on October 18, 2013. Defendants' replies are due December 5, 2013.
  - 2. Motions to dismiss are scheduled for oral argument on February 12, 2014.

**4. HEATER CONTROL PANELS (2:12-cv-00400)**

- A. Update on Stipulations Between Plaintiffs and Defendants Regarding Depositions of Non-U.S. Citizens Expected To Be Released From U. S. Prisons. See Exhibit 2, Table of Release Dates of Incarcerated Defendants in Related Criminal Cases.
- B. Oral Argument on Defendants' Motions to Dismiss Following the Status Conference.

**5. BEARINGS (2:12-cv-00500)**

- A. Defendants' Motions to Dismiss:
  - 1. Defendants' motions to dismiss are due on December 2, 2013. Plaintiffs' responses to defendants' motions to dismiss are due February 3, 2014. Defendants' replies are due March 25, 2014.
  - 2. No date for oral argument on defendants' motions to dismiss has been set.

**6. OCCUPANT SAFETY SYSTEMS (2:12-cv-00600)**

- A. Update on Stipulations Between Plaintiffs and Defendants Regarding Depositions of Non-U.S. Citizens Expected To Be Released From U. S. Prisons. See Exhibit 2, Table of Release Dates of Incarcerated Defendants in Related Criminal Cases.

B. Motions to Dismiss:

1. Defendants' motions to dismiss were filed on October 21, 2013.
2. Plaintiffs responses to defendants' motions to dismiss are due December 23, 2013. Defendants' replies are due February 10, 2014.
3. No date for oral argument on defendants' motions to dismiss has been set.

**7. ANTI-VIBRATION RUBBER PARTS (2:12-cv-00800)**

- A. Update on Stipulations Between Plaintiffs and Defendants Regarding Depositions of Non-U.S. Citizens Expected To Be Released From U. S. Prisons. See Exhibit 2, Table of Release Dates of Incarcerated Defendants in Related Criminal Cases.

**8. OTHER ACTIONS**

Note: The status of service for each of the actions in *In re Auto Parts Antitrust Litigation*, 12-md-02311 as well as the parties that filed suit are set forth in the chart attached as Exhibit 1. The Automotive Dealer Plaintiffs have not yet filed actions for the products set forth in Headings G-U, but intend to do so shortly.

- A. Alternators (2:13-cv-700)
- B. Windshield Wipers (2:13-cv-900)
- C. Radiators (2:13-cv-1000)
- D. Starters (2:13-cv-1100)
- E. Automotive Lamps (2:13-cv-1200)

- F. Ignition Coils (2:13-cv-14173, 2:13-cv-14202)
- G. Switches (12:13-cv-14167)
- H. Motor Generators (2:13-cv-14178)
- I. Steering Angle Sensors (2:13-cv-14180)
- J. Automotive HID Ballasts (2:13-cv-14182)
- K. Inverters (2:13-cv-14190)
- L. Electric Powered Steering Assemblies (2:13-cv-14191)
- M. Air Flow Meters (2:13-cv-14198)
- N. Fan Motors (2:13-cv-14201)
- O. Fuel Injection Systems (2:13-cv-14206)
- P. Power Window Motors (2:13-cv-14212)
- Q. Automatic Transmission Fluid Warmers (2:13-cv-14225)
- R. Valve Timing Control Devices (2:13-cv-14226)
- S. Electric Throttle Bodies (2:13-cv-14229)
- T. Air Conditioning Systems (2:13-cv-14289)
- U. Windshield Washer Systems (2:13-cv-14550)

### **III. DATE FOR NEXT STATUS CONFERENCE**

1. The Next Status Conference and Hearing on Motions to Dismiss in Fuel Senders Cases is Scheduled for February 12, 2014, at 11:00 a.m.
2. Scheduling of Subsequent Status Conferences.
3. Scheduling of Interim Conferences (as Needed)

### **IV. MOTIONS TO DISMISS ORAL ARGUMENTS**

1. Instrument Panel Clusters
  - A. Direct Purchaser Plaintiffs

B. Automobile Dealer Plaintiffs and End-Payor Plaintiffs

2. Heater Control Panels

A. Direct Purchaser Plaintiffs

B. Automobile Dealer Plaintiffs and End-Payor Plaintiffs

**V. OTHER MATTERS**

Any party interested in any part should appear.

s/ Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

Date: November 6, 2013

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon all parties of record via the Court's ECF Filing System.

s/Bernadette M. Thebolt  
Case Manager